

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:18-CR-73-HAB
)	
LEMOND LEDFORD,)	
)	
Defendant.)	

OPINION AND ORDER

On March 31, 2018, law enforcement officers recovered incriminating evidence from Defendant's vehicle, which provided the basis for the felon in possession of a firearm charge (ECF No. 1) that is pending against Defendant Lemond Ledford. On November 6, 2018, the Defendant moved to suppress (ECF No. 24) any physical evidence seized from the vehicle, alleging that it was seized in violation of his Fourth Amendment rights. Upon referral from this Court, Magistrate Judge Susan L. Collins held an evidentiary hearing on February 6, 2019, received post-hearing briefing, and issued a Report and Recommendation (ECF No. 45), recommending that the Court deny the Defendant's Motion to Suppress Evidence.

Under 28 U.S.C. § 636(b)(1)(A)–(B), a magistrate judge does not have authority to issue a final order on a motion to suppress evidence in a criminal case. Instead, the magistrate judge submits proposed findings of fact and recommendations to the district court. If a party files a timely objection to the magistrate judge's report and recommendation, § 636(b)(1) provides that

the district judge is to make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. The court may accept, reject, modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge also may receive further evidence or recommit the matter to the magistrate judge with instructions.

The time for filing objections to the Report and Recommendation has passed, and no objections have been filed. Portions of a recommendation to which no party objects are reviewed for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

At the evidentiary hearing, Officer Douglas Weaver testified that he observed Defendant violate a number of traffic laws, including Indiana Code § 9-19-6-3 (requiring working headlights), Ind. Code §§ 9-21-8-24 and -25 (failure to signal a turn), and Ind. Code § 35-44.1-3-1 (resisting law enforcement). As a result, Officer Weaver initiated a traffic stop of Defendant's vehicle. During an inventory search of the vehicle, officers found an open bottle of Grey Goose vodka, a pistol with a loaded magazine, a black gun case with thirty-three rounds of ammunition, cash, and a small baggie containing Cialis. Defendant presented no evidence contradicting any of the Government's witnesses.

Neither party has objected to this assessment or to the Magistrate Judge's characterization of the testimony. The Court adopts the Magistrate Judge's findings of fact regarding the events of March 31, 2018. Finding no clear error, the Court also adopts, in full, the Magistrate Judge's detailed analysis of the law that is applicable to Defendant's various traffic violations and the determination of probable cause to initiate a traffic stop. Therefore, the Court adopts the recommendation to deny the Motion to Suppress on grounds that the search did not violate the Defendant's rights under the Fourth Amendment.

CONCLUSION

For the foregoing reasons, the Court ADOPTS the Report and Recommendation (ECF No. 45) and DENIES the Motion to Suppress (ECF No. 24) for the reasons set forth by the Magistrate Judge. A separate scheduling order will be issued.

SO ORDERED on August 22, 2019.

s/ Holly A. Brady

JUDGE HOLLY A. BRADY

UNITED STATES DISTRICT COURT